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# INTERNATIONALER VORLÄUFIGER BERICHT ÜBER DIE PATENTIERBARKEIT

(Kapitel II des Vertrags über die internationale Zusammenarbeit auf dem Gebiet

Aktenzeichen des Anmelders oder Anwalts OZ 03003 WO No	WEITERES VORGE		siehe Formblatt PCT/IPEA/416		
Internationales Aktenzeichen	Internationales Anmeldeda	atum (TagMonatUahr)	Prioritätsdatum (Tag/Monat/Jahr)		
PCT/EP2004/000197	14.01.2004		14.01.2003		
Internationale Patentklassifikation (IPK) oder C06C7/00, C06B23/04, C06B23/00,		IPK			
Anmelder RUAG AMMOTEC GMBH et al.					
<ol> <li>Bei diesem Bericht handelt es sich um den internationalen vorläufigen Prüfungsbericht, der von der mit der internationalen vorläufigen Prüfung beauftragten Behörde nach Artikel 35 erstellt wurde und dem Anmelder gemäß Artikel 36 übermittelt wird.</li> </ol>					
2. Dieser BERICHT umfaßt insgesa					
3. Außerdem liegen dem Bericht AN	ILAGEN bei; diese umfas	sen			
a. 🗌 (an den Anmelder und das	s Internationale Büro gesa	andt) insgesamt Blätt	er; dabei handelt es sich um		
zugrunde liegen, und/ 70.16 und Abschnitt 6	bder Blätter mit Berichtigi 107 der Verwaltungsvorsc	ungen, denen die Ben hriften).	e geändert wurden und diesem Bericht örde zugestimmt hat (siehe Regel		
Gründen nach Auffas	The state of the s				
b. (nur an das Internationale Datenträger(s) angeben) nur in computerlesbarer F	- was the second develop a control of the control o				
4. Dieser Bericht enthält Angaben z	zu folgenden Punkten:				
☑ Feld Nr. I Grundlage des	Bescheids				
☐ Feld Nr. II Priorität					
☐ Feld Nr. III Keine Erstellur Anwendbarkei	rstellung eines Gutachtens über Neuheit, erfinderische Tätigkeit und gewerbliche Barkeit				
☐ Feld Nr. IV Mangelnde Eir					
und der gewer	Feld Nr. V Begründete Feststellung nach Arikel 35(2) hinsichtlich der Neuheit, der erfinderischen Tätigkeit und der gewerblichen Anwendbarkeit; Unterlagen und Erklärungen zur Stützung dieser Feststellung				
	geführte Unterlagen				
☐ Feld Nr. VII Bestimmte Mängel der internationalen Anmeldung					
Feld Nr. VIII Bestimmte Bemerkungen zur internationalen Anmeldung					
Datum der Einreichung des Antrags		Datum der Fertigstellur	ng dieses Berichts		
29.06.2004		04.07.2005			
Name und Postanschrift der mit der interna beauftragten Behörde		Bevollmächtigter Bedie	enstater		
Europälsches Patentamt - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl		Schut, R	Pirita and		
Fax: +31 70 340 - 3016	<del></del>	Tel. +31 70 340-3293	Office and Organia		

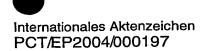
# INTERNATIONALER VORLÄUFIGER BERICHT ÜBER DIE PATENTIERBARKEIT

Feld Nr. I Grundlage des Berichts 1. Hinsichtlich der Sprache beruht der Bericht auf der internationalen Anmeldung in der Sprache, in der sie eingereicht wurde, sofern unter diesem Punkt nichts anderes angegeben ist. Der Bericht beruht auf einer Übersetzung aus der Originalsprache in die folgende Sprache, bei der es sich um die Sprache der Übersetzung handelt, die für folgenden Zweck eingereicht worden ist: ☐ internationale Recherche (nach Regeln 12.3 und 23.1 b)) ☐ Veröffentlichung der internationalen Anmeldung (nach Regel 12.4) ☐ internationale vorläufige Prüfung (nach Regeln 55.2 und/oder 55.3) 2. Hinsichtlich der Bestandteile\* der internationalen Anmeldung beruht der Bericht auf (Ersatzblätter, die dem Anmeldeamt auf eine Aufforderung nach Artikel 14 hin vorgelegt wurden, gelten im Rahmen dieses Berichts als "ursprünglich eingereicht" und sind ihm nicht beigefügt): Beschreibung, Seiten in der ursprünglich eingereichten Fassung 1-3 Ansprüche, Nr. in der ursprünglich eingereichten Fassung 1-11 □ einem Sequenzprotokoll und/oder etwaigen dazugehörigen Tabellen - siehe Zusatzfeld betreffend das Sequenzprotokoll 3. 

Aufgrund der Änderungen sind folgende Unterlagen fortgefallen: ☐ Beschreibung: Seite ☐ Ansprüche: Nr. ☐ Zeichnungen: Blatt/Abb. ☐ Sequenzprotokoll (genaue Angaben): ☐ etwaige zum Sequenzprotokoll gehörende Tabellen (genaue Angaben): 4. □ Dieser Bericht ist ohne Berücksichtigung (von einigen) der diesem Bericht beigefügten und nachstehend aufgelisteten Änderungen erstellt worden, da diese aus den im Zusatzfeld angegebenen Gründen nach Auffassung der Behörde über den Offenbarungsgehalt in der ursprünglich eingereichten Fassung hinausgehen (Regel 70.2 c)). ☐ Beschreibung: Seite ☐ Ansprüche: Nr. ☐ Zeichnungen: Blatt/Abb. ☐ Sequenzprotokoll (genaue Angaben): ☐ etwaige zum Sequenzprotokoll gehörende Tabellen (genaue Angaben): Wenn Punkt 4 zutrifft, können einige oder alle dieser Blätter mit der Bemerkung

"ersetzt" versehen werden.





Feld Nr. V Begründete Feststellung nach Artikel 35 (2) hinsichtlich der Neuheit, der erfinderischen Tätigkeit und der gewerblichen Anwendbarkeit; Unterlagen und Erklärungen zur Stützung dieser Feststellung

1. Feststellung

Neuheit (N)

Ja: Ansprüche 7-9,11

Nein: Ansprüche 1-6,10

Erfinderische Tätigkeit (IS)

Ja: Ansprüche

Nein: Ansprüche 1-11

Gewerbliche Anwendbarkeit (IA)

Ja: Ansprüche: 1-11

Nein: Ansprüche:

2. Unterlagen und Erklärungen (Regel 70.7):

siehe Beiblatt

## Internationales Aktenzeichen

# INTERNATIONALER VORLÄUFIGER BERICHT ZUR PATENTIERBARKEIT (BEIBLATT)

PCT/EP2004/000197

#### Zu Punkt V

Begründete Feststellung hinsichtlich der Neuheit, der erfinderischen Tätigkeit und der gewerblichen Anwendbarkeit; Unterlagen und Erklärungen zur Stützung dieser Feststellung

In diesem Internationalen Vorläufigen Prüfungsbericht sind folgende im Recherchenbericht zitierten Dokumente (D) genannt:

- D1: US 2001/054462 A1 (R. HAGEL ET AL.) 27. Dezember 2001 (2001-12-27)
- D2: US 2002/179209 A1 (R. HAGEL ET AL.) 5. Dezember 2002 (2002-12-05)
- D3: WO 98/17607 A (TRW AIRBAG SYSTEMS GMBH & CO. KG) 30. April 1998 (1998-04-30)
- D4: WO 98/41810 A (DEFENSE TECHNOLOGY CORPORATION OF AMERICA) 24. September 1998 (1998-09-24)
- D5: GB-A-2 359 124 (LAMBETH PROPERTIES LIMITED) 15. August 2001 (2001-08-15)
- D6: EP-A-0 704 415 (ELEY LIMITED) 3. April 1996 (1996-04-03)
- D7: DE 20 17 633 A (J. SCHABERGER & CO. GMBH) 28. Oktober 1971 (1971-10-28)
- D8: US-A-3 135 636 (R. MCGIRR) 2. Juni 1964 (1964-06-02)

#### 1)Neuheit

## Unabhängiger Anspruch 1

1a1)D1 (vgl. Anspruch 8 und Absatz 12 und 13), D2 (vgl. Anspruch 1 und Absatz 15) und D3 (vgl. Anspruch 1) offenbaren Zusammensetzungen, geeignet als Treibladung, die ein Carbonat, d.h. ein weiches Friktionsmittel, enthalten.

1a2)Im Hinblick auf D4 und D5 wird angenommen, daß die Anzündhütchen von D1 und D2 sich als Treibladung eignen. Die, in den Anzündhütchen von D1 und D2 verwendeten Carbonate, werden bei der Verwendung der Zündhutchen als Treibladung, die Wirkung von weichen Friktionsmitteln entfalten.

1a3)Der Gegenstand des unabhängigen Anspruchs 1 ist deshalb nicht neu im Hinblick auf den in D1, D2 und D3 beschriebenen Stand der Technik (Art.33(2) und Regel 64(1) PCT).

#### Internationales Aktenzeichen



PCT/EP2004/000197

## Unabhängiger Anspruch 11

1b)Der Gegenstand des unabhängigen Anspruchs 11 wird nicht in den Entgegenhaltungen D1-D8 erwähnt und wird deshalb als neu betrachtet und erfüllt somit die Erfordernisse des Artikels 33(2) PCT.

## Abhängige Ansprüche 2-10

1c1)Die Merkmale der abhängigen Ansprüche 2 und 3 in Kombination mit den Merkmalen des Anspruchs 1 sind aus D3 (vgl. Anspruch 10) bekannt.

1c2)Die Merkmale der abhängigen Ansprüche 2,4 und 10 in Kombination mit den Merkmalen des Anspruchs 1 sind aus D1 (vgl. Anspruch 8 und Absatz 12 und 13) und D2 (vgl.Anspruch 2 und Absatz 15) bekannt.

1c3)Die Merkmale der abhängigen Ansprüche 5 und 6 in Kombination mit den Merkmalen des Anspruchs 1 sind aus D2 (vgl. Anspruch 2 und Absatz 15) bekannt.

1c4)Der Gegenstand der abhängigen Ansprüche 2-6 und 10 ist deshalb nicht neu.

1c5)Der Gegenstand der abhängigen Ansprüche 7-9 in Kombination mit den Merkmalen des Anspruchs 1 sind nicht aus D1-D8 bekannt und sind deshalb neu.

# 2)Erfinderische Tätigkeit

# Unabhängiger Anspruch 11

2a1)D4 (vgl. Seite 3, Zeilen 31-35 und Seite 4, Zeilen 15-18) und D5 (vgl. Seite 4, Zeilen 10-15 und Anspruch 1) offenbaren die Verwendung einer Treibladung, die einen schlagempfindlichen Explosivstoff enthält. Zündhütchen mit dieser Treibladung werden als gaserzeugender Satz in einem Waffen-Übungssystem verwendet.

Angenommen wird, daß beliebige Zündhütchen verwendet werden können, weil das Zündhütchen nicht in D4 und D5 charakterisiert worden ist.

2a2)Übliche Zündhütchen sind aus D1 und D2 bekannt.



Internationales Aktenzeichen

PCT/EP2004/000197

2a3)Der Fachmann würde ohne erfinderischen Zutun die Zündhütchen von D1 und D2 in den Waffen-Übungssystemen von D4 und D5 als Treibladung verwenden und/oder diese für diese Verwendung auf übliche Weise adaptieren. Wenn notwendig, zum Beispiel für den Einsatz in Waffen-Übungssystemen, können die schadlichen Komponenten aus den Anzündhütchen weggelassen werden.

3a4)Der Gegenstand des Anspruchs 11 kann deshalb nicht als erfinderisch betrachtet werden (Art.33(3) PCT).

## Abhängige Ansprüche 7-9

2b)Die Merkmale der abhängigen Ansprüche 7-9 sind aus D1 (vgl. Anspruch 2), D2 (vgl. Anspruch 1) und D6 (vgl. Anspruch 3) bekannt und/oder werden in Kombination mit D7 (vgl. Anspruch 1) oder D8 (vgl. Anspruch 4) als übliche Altenativen betrachtet.

3a4)Der Gegenstand der Ansprüche 7-9 kann deshalb nicht als erfinderisch betrachtet werden (Art.33(3) PCT).

10/542319/2319

PATENT COOPERATION TREATY



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# Translation Reci INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference					
03003 WO	FOR FURTHER ACT	ION	See Form PCT/IPEA/416		
International application No. PCT/EP2004/000197	International filing date ( 14 January 2004 (		Priority date (day/month/year) 14 January 2003 (14.01.2003)		
International Patent Classification (IPC) or no C06C 7/00, C06B 23/04, 23/00, 0	ational classification and I	PC	14 January 2003 (14.01.2003)		
Applicant					
	RUAG AMMOT	EC GMBH			
This report is the international prelim     Authority under Article 35 and transi	ninary examination report,	established by this ording to Article 36	International Preliminary Examining 5.		
2. This REPORT consists of a total of	2. This REPORT consists of a total of 6 sheets, including this cover sheet.				
3. This report is also accompanied by A	NNEXES, comprising:				
a. (sent to the applicant and t	o the International Burea	ı) a total of	sheets, as follows:		
sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the					
sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.					
b. (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s))  readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the					
4. This report contains indications relating	ng to the following items:				
Box No. I Basis of the repo	ort .				
Box No. II Priority					
Box No. III Non-establishme	ent of opinion with regard	to novelty, inventis	ve step and industrial applicability		
Box No. IV Lack of unity of	invention	, , , , , , , , , , ,	to stop and industrial applicability		
Box No. V Reasoned statem	ent under Article 35(2) wi	th regard to novelt	y, inventive step or industrial applicability;		
Box No. VI Certain document	Lharame priori	statement	.,,,		
Box No. VII Certain defects i	n the international applicat	ion			
Box No. VIII Certain observations on the international application					
Date of submission of the demand		of completion of	AL:		
29 June 2004 (29.06.2004)		Date of completion of this report  04 July 2005 (04.07.2005)			
Name and mailing address of the IPEA/EP	Auti	norized officer			
Facsimile No.	Tele	phone No.			

International application No.

# PCT/EP2004/000197

With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.    This report is based on translations from the original language into the following language which is language of a translation furnished for the purpose of:   International search (under Rules 12.3 and 23.1(b))   publication of the international application (under Rules 12.4)     International preliminary examination (under Rules 12.4)   international preliminary examination (under Rules 25.2 and/or 55.3)    With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving (Office in response to an invitation under Article 14 are refurred to to thits report as "originally filed" and are not annexed to this report as "originally filed" the description:   pages	Box N	lo. I	Basis of the report			
This report is based on translations from the original language into the following language with its language of a translation furnished for the purpose of:    international search (under Rules 12.3 and 23.1(b))   publication of the international application (under Rule 12.4)   international preliminary examination (under Rules 55.2 and/or 55.3)    With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not amessed to this report;	1. Wi	th regard				
international search (under Rules 12.3 and 23.1(b))    publication of the international application (under Rule 12.4)   international preliminary examination (under Rule 12.4)   international preliminary examination (under Rules 55.2 and/or 55.3)  2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report]:   The international application as originally filed/furnished the description:   pages	oth					
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and are not amexed to this report;  The international application as originally filed/furnished the description:  pages   1-3						
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pages*			1-3			
the claims:  pages   1-11   ,as originally filed/furnished pages*   ,as a soriginally filed/furnished spages*   ,as originally filed/furnished spages*	1		received by this Authority on			
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(Rule 70.2(c)).  the description, pages the claims, Nos. the drawings, sheets/figs the sequence listing (specify): any table(s) related to sequence listing (specify):  * If item 4 applies, some or all of those sheets may be marked "superseded."		L "	iny table(s) related to sequence listing (specify):			
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the claims, Nos. the drawings, sheets/figs the sequence listing (specify): any table(s) related to sequence listing (specify):  * If item 4 applies, some or all of those sheets may be marked "superseded."		(Rule 7	(0.2(c)). So			
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	Form PC	T/IPEA/	/409 (Box No. I) (January 2004)			

International application No.
PCT/EP2004/000197

Bo	x No. V Reasoned	l statement under A and explanations su	rticle 35(2)	with reg	ard to novelty	, inventive st	PCT/EP2004/000 tep or industrial applicability;	197
1.	Statement	and explanations su	pporting st	uch statei	ment		application,	
	Novelty (N)		7-9, 1-6,			<del></del>		YES
	Inventive step (IS) C							
			1-11					_ NO YES
2.	Citations and explanation							_ NO
	This makes	Internatio	e to t	the f	minary Tollowi	Exami:	nation Report uments, cited	÷
		US 2001/05 27 Decembe					AL.)	
	D2: t	JS 2002/17 December	79209	A1 (	R. HAGE	EL ET A	AL.)	
	D3: W		7 A (	TRW 2	AIRBAG	SYSTEM	IS GMBH & CO. KG)	
	D4: W		10 A N OF <i>1</i>	(DEFI AMER]	ENSE TE [CA)	CHNOLO	GY	
	D5: G		124	(LAME	ETH PR	OPERTI	ES LIMITED)	
	D6: E	P-A-O 704 April 199	415 (	(ELEY	LIMIT			
	D7: D1	E 20 17 63 8 October	33 A (	(J. s	CHABER	GER & (	CO. GMBH)	
	D8: U\$	S-A-3 135 June 1964	636 (	R. M	CGIRR)	<i>)</i>	:	

International application No.
PCT/EP2004/000197

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;

## 1) Novelty

## Independent claim 1

- 1 a1) D1 (see claim 8 and claims 12 and 13) D2 (see claim 1 and paragraph 15) and D3 (see claim 1) disclose compositions suitable for use as a propellant, said compositions containing carbonate, that is to say a soft friction agent.
- 1 a2) It has been assumed, in the light of D4 and D5, that the primers according to D1 and D2 are suitable for propellant use. When using said primers as a propellant, the carbonates in the primers of D1 and D2 have the effect of soft friction agents.
- 1 a3) The subject matter of independent claim 1 therefore lacks novelty in the light of the prior art described in D1, D2 and D3 (PCT Article 33(2) and PCT Rule 64.1).

# Independent claim 11

1 b) The subject matter of independent claim 11 is not mentioned in documents D1 to D8 and, in consequence, is considered novel and meets the requirements of PCT Article 33(2).

International application No.
PCT/EP2004/000197

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## Dependent claims 2-10

- 1 c1) The features of dependent claims 2 and 3, are known in combination with the features of claim 1 from D3 (see claim 10).
- 1 c2) The features of dependent claims 2, 4 and 10 are known in combination with the features of claim 1 from D1 (see claim 8 and paragraphs 12 and 13) and D2 (see claim 2 and paragraph 15).
- 1 c3) The features of dependent claims 5 and 6 are known in combination with the features of claim 1 from D2 (see claim 2 and paragraph 15).
- 1 c4) Thus, the subject matter of dependent claims 2-6 and 10 likewise lacks novelty.
- 1 c5) The subject matter of dependent claims 7-9 is not known in combination with the features of claim 1 from documents D1 to D8, and is therefore novel.

# 2) Inventive step

## Independent claim 11

2 al) D4 (see page 3, lines 31-35 and page 4, lines 15-18) and D5 (see page 4, lines 10-15 and claim 1) disclose the use of propellants containing an impact-sensitive explosive. Primers with this

*/...* 

International application No.
PCT/EP2004/000197

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;

propellant are used as a gas-producing substance in a weapons training system.

It is assumed that any primers can be used since the primer is not characterised in D4 or D5.

- 2 a2) Conventional primers are known from D1 and D2.
- 2 a3) A person skilled in the art would, without inventive input, use the primers of D1 and D2 as a propellant in the weapons training systems according to D4 and D5, respectively, and/or would modify said primers therefor in the normal manner. When necessary, for example for use in weapons training systems, the harmful components of the primer can be omitted.
- 2 a4) Thus, the subject matter of claim 11 cannot be considered inventive (PCT Article 33(3)).

# Dependent claims 7-9

- 3 a) The features of dependent claims 7-9 are known from D1 (see claim 2), D2 (see claim 1) and D6 (see claim 3), and/or in combination with D7 (see claim 1) or D8 (see claim 4) are considered to be normal alternatives.
- 3 al) Thus, the subject matter of claims 7-9 cannot be considered inventive (PCT Article 33(3)).